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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,967	03/19/2004	Hideki Takahashi	250752US2S	6481

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/803,967

Applicant(s)

TAKAHASHI, HIDEKI

Examiner

Aristotelis M. Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The IDS forms have been received and made of record.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

Claims 1-11 are objected to because of the following informalities: The term "unit" cannot readily be mapped to the remainder of the specification; clarification or appropriate correction is required.

As far as the claims recite positive limitations and as interpreted below, the following rejections are made.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1,2,4,6,7,8,10,12,13,15,17,18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh et al ('167).

The US patent to Gotoh is the US equivalent of JP 2000-293948, which is the equivalent of the Korean document 2002-0007298.

As stated in the abstract as well as starting at col. 2 line 1 thru line 64, as well as the description of figures 1-4, an information medium is disclosed. This medium has a rewritable area, and this area has a user area as well as a defect management area. The PDL and SDL are depicted. With respect to the for use function as recited in the ultimate paragraph of claim 1, such is present

With respect to claim 2, address information is present.

With respect to claim 4 such is present – i.e., the PDL and the SDL.

With respect to claim 6, note the additional spare sectors/areas as depicted and disclosed in figure 1 for instance. There are at least 6 defect management areas so indicated.

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With respect to independent claim 7, reproduction apparatus – applicants' attention is drawn to the disclosure with respect to figure 2 the recording/reproducing apparatus, wherein the examiner interprets the controller as the acquisition unit, and the disclosed system inherent posses a reproducing unit, else no information could be reproduced.

With respect to claim 8, this parallels the limitation of claim 2, and such is considered present, else the functions so recited could not occur.

With respect to claim 10, the function thereof occurs – see operation of the system with respect to figure 1 for instance.

Claims 12,13 and 15 are method claims equivalent to apparatus claims 7,8 and 10 and are met when the above system operates.

With respect to claims 17,18 and 20 these are reproducing method limitations equivalent/met when the above system operates in a reproducing mode.

2. Claims 3,9,14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to the claims as stated in paragraph 1 above, and further in view of Official notice.

These claims recite similar, equivalent limitation(s), i.e., "each of location information areas store identical location information". The examiner interprets such as the ability of having redundant/duplicate spare areas. Naturally, the duplicate/redundant areas would have duplicate/redundant location (address) information. The ability of providing for duplicate/redundant areas in this environment is well known and official Notice is taken thereof – applicants' attention is drawn for instance to class 360/subclass 47 which discusses redundant tracks, and as such would require appropriate location information.

It would have been obvious to modify the base system as relied upon above with the additional teaching in order to increase reliability of the overall system by having redundant areas storing the corrected information.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 2 as stated in paragraph 1 above, and further in view of JP 2002-288938.

However JP 2002-288938, discloses (see abstract for instance) a technique of recording address data indicating the position of DMA, which comprises address data for the heading of

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4-byte DMA and length data for the 4-byte DMA, and defining the number of data in one line in an ECC block as 172 bytes, namely, defining the number of the address data indicating the position of DMA as not more than the number of data in one line in an ECC block. Thus, it would have been obvious to one of ordinary skill in the art to combine the above teaching to accomplish the appropriate address format.

4. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 8 and 13 as stated in paragraph 1 above, and further in view of JP 09-213011.

It is known, as disclosed in JP 09-213011 (especially, see paragraph [0030]), to sequentially access data transited in accordance with the number of times of recording and recorded in order to read out latest correct data.

Furthermore, It is well within ordinary skill in the technical field to which disk devices pertain to attempt to directly reproduce data managed by the management information when the management data for managing a disk cannot be reproduced and hence the claimed limitations are obvious in view of the above teaching from JP 09-213011.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 18 as stated in paragraph 1 above, and further in view of JP 2000-149256.

JP 2000-149256 discloses a technique of prohibiting disk recording when the number of times of recording is greater than a predetermined number.

It would have been obvious to modify the base system as relied upon in paragraph 1, with this additional teaching, i.e., in light of the well-known techniques to prohibit disk recording when recording is performed in a number of times such that appropriate time is not wasted and inform the user of an inoperable mode of operation/failure.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sasaki et al is illustrative of alternative PDL and SDL systems in this environment.

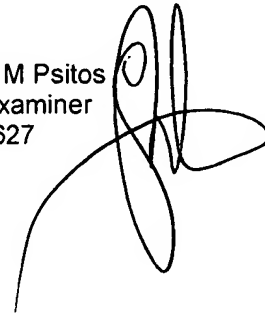
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos  
Primary Examiner  
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A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the left.

AMP